US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Maryann Baird

Public Notice Date: February 10, 2005

ANNOUNCEMENT: The U.S. Army Corps of Engineers, Seattle District, Regulatory Branch (Corps) has issued Regional General Permit (RGP) 5 for the maintenance, modification and construction of residential overwater structures in the mid-Columbia River (Wells, Rocky Reach and Rock Island reservoirs) and lower Okanogan River (river mile 5-0). Construction specifications and requirements of the RGP are detailed in the attached RGP 5 text. The RGP is effective immediately and will authorize up to 75 residential overwater structures. The expiration date of RGP 5 is January 27, 2010, or when 25 overwater structures have been authorized in each of the following three water segments: (1) lower Okanogan River plus Wells Reservoir, (2) Rocky Reach Reservoir and (3) Rock Island Reservoir.

BACKGROUND: This RGP has been issued to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. The RGP includes completed Endangered Species Act Section 7 consultation, Essential Fish Habitat consultation, and water quality certification from the Washington State Department of Ecology, reducing the Corps' application review time.

APPLICATION PROCEDURE: Applicants must complete and submit Appendix A: Application Form. The Corps will inform the applicant if the application is complete and will complete the necessary review. The applicant may commence work only upon receipt of written approval from the Corps.

US Army Corps of Engineers
Seattle District

Department of the Army Regional General Permit

RGP 5
Maintenance, Modification and Construction of Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers within the State of Washington

Effective Date: January 28, 2005 **Expiration Date**: January 27, 2010

Permit Number: 200201035

Authority: In accordance with 33 CFR 325.2(e)(2), the U.S. Army Corps of Engineers (Corps) is issuing this regional general permit (RGP) that authorizes certain activities in or affecting waters of the United States, including navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

Issuing Office: U.S. Army Corps of Engineers, Seattle District
Regulatory Branch, CENWS-OD-RG
P.O. Box 3755
Seattle, Washington 98124-3755
Telephone: (206) 764-3495

Purpose: The purpose of this RGP is to authorize the maintenance, modification and construction of residential overwater structures in the mid-Columbia and lower Okanogan rivers in Washington State. The sections of these rivers where this RGP is applicable is described in "Location of Authorized Activities." The maintenance, modification and construction of *commercial structures or marinas* are not authorized by this RGP.

Use of this RGP: To use this RGP, a prospective permittee must first notify the Corps of the proposed work in accordance with the application procedures in this RGP. ***The proposed project is not authorized under this RGP and work may not commence until the District Engineer or his designee has issued written notification that the proposed work meets the requirements of this RGP and is authorized.*** The permittee is responsible for ensuring that the authorized structures and/or activities comply with all applicable provisions of this RGP, including any project-specific special conditions that may be added by the District Engineer. Failure to abide by the requirements of this RGP may constitute a violation of the Clean Water Act and/or Rivers and Harbors Act and the Endangered Species Act. For purposes of this RGP, the term "permittee" shall include all successors in interest.

This RGP contains provisions intended to protect the environment, endangered species and cultural resources. Work that will not comply with these provisions is not authorized by this RGP and may require Department of the Army authorization by a standard individual permit. Moreover, compliance

with the provisions of this RGP does not itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provision of this RGP but would have an unacceptable adverse impact on the public interest are not authorized.

Abbreviations used in this Document:
Corps – U.S. Army Corps of Engineers, Seattle District, Regulatory Branch
ESA – Endangered Species Act
HPA – Hydraulic Project Approval
JARPA – Joint Aquatic Resources Permit Application
NMFS – National Marine Fisheries Service
OHW – ordinary high water
PECP – pollution and erosion control plan
RM – river mile
RPG – regional general permit
USFWS – U.S. Fish and Wildlife Service
WDFW – Washington State Department of Fish and Wildlife

Location of Authorized Activities: This RGP is applicable in the Columbia River between Chief Joseph and Rock Island dams (river mile (RM) 530-454), which includes Wells, Rocky Reach and Rock Island reservoirs. In addition, the RGP is applicable in the Okanogan River (RM 5-0). These areas of the Columbia and Okanogan rivers are in Washington State.

Activities Authorized by this RGP: Work authorized by this RGP is limited to the maintenance, modification and construction of residential overwater structures[1] in the mid-Columbia and lower-Okanogan rivers in Washington State for the purpose of watercraft moorage and water oriented recreational use. Any required mitigation measures described herein are also authorized by the RGP. Once a proposed project is authorized by this RGP, a Department of the Army Individual, Nationwide or different Regional permit must approve any proposed modifications beyond the limitations of the RGP. This RGP only authorizes one pier/ramp/float structure per property. There are further limitations for joint-use overwater structures (see Application Procedure section below).

Application Procedure: Authorization under this RGP requires that a prospective permittee notify the Corps of the proposed work in accordance with the application procedures described in this section and wait until the District Engineer or his designee issues written notification that the proposed project meets the requirements of this RGP and is authorized before proceeding with construction. To notify the Corps of a proposed project that may qualify for authorization under this RGP, the prospective permittee must submit the following information:

1. A complete written application that fully describes the proposed work and clearly demonstrates to the Corps that the work would meet the requirements of this RGP. To expedite the review process, the Corps recommends using Appendix A of this RGP as the application form. Submittal of a complete application constitutes the applicant's voluntary agreement to meet all of the requirements of this RGP. A complete application also includes the following information:
   - A vicinity map and plan, profile and cross-section drawings of the proposed overwater structure and overwater structures on adjacent properties. The drawings must include a description of any material that will be discharged (temporarily or permanently) into waters

[1] 'Overwater structures' include piers, ramps, floats, and their associated structures. Associated structures include ladders, swim steps and stabilizing chains and anchors for floats.

of the United States. For assistance with preparation of the drawings, please refer to Appendix B.

- All property owners using the joint-use overwater structure must be listed as co-applicants and sign the application form. (Note that for the purposes of this RGP, "joint use" means constructed and utilized by more than one residential waterfront property owner or by a homeowner's association that owns waterfront property.)
- All involved property owners must sign a joint-use agreement (Agreement) that is submitted with the application. The Agreement must state that each property owner voluntarily agrees to build no overwater structures on their property except for the maintenance or modification of the authorized joint-use overwater structure. (Note that upon issuance of the permit for the overwater structure, all property owners must record this Agreement on their deeds.)
- A drawing showing the location of all properties involved in the joint-use agreement.

2. For activities that may affect historic properties, listed or eligible for listing in the National Register of Historic Places, the notification must include a description of each historic property that may be affected by the proposed work and a map indicating the location of the property.

3. Any other relevant information such as
   - Hydraulic Project Approval (HPA) obtained from the Washington Department of Fish and Wildlife.
   - Photographs of the project area and associated shoreline.

Corps Website: This RGP and related documents are available at the Corps website at www.nws.usace.army.mil/reg.html.

Requirements (Conservation Measures and Construction Specifications): The following conservation measures and construction specifications must be implemented for the work to be authorized by this RGP.

1. Allowable work window. In order to protect Columbia River bull trout, upper Columbia River steelhead, upper Columbia River spring Chinook and bald eagles, work shall comply with one of the following work windows. The work window for fish species is July 1 through February 28. This window will be shortened, as shown below, to protect bald eagles from construction-related disturbance during the nesting (January 1 - August 15) and wintering (November 1 - March 31) seasons. The Corps will coordinate with the USFWS to determine the appropriate work window once an application is submitted. The prospective permittee agrees to abide by the following work windows established by the Corps.

   1a Piling will be installed
      2a Piling installation will be done manually (e.g., with a sledge hammer, jack hammer) or with a vibratory system
         3a Wintering bald eagle use area is within ¼ mile of the project site
            4a Bald eagle nest is within ½ mile of the project site: Aug 16 - Oct 31
            4b No bald eagle nest is within ½ mile of the project site: Jul 1 - Oct 31
         3b No wintering bald eagle use area is within ¼ mile of the project site
            5a Bald eagle nest is within ½ mile of the project site: Aug 16 - Dec 31
            5b No bald eagle nest is within ½ mile of the project site: Jul 1 - Feb 28
      2b Piling installation will be done with an impact hammer (e.g., diesel, hydraulic)
            6a Wintering bald eagle use area is within 1 mile of the project site
               7a Bald eagle nest is within 1 mile of project site: Aug 16 - Oct 31

7b No bald eagle nest is within 1 mile of the project site: Jul 1 - Oct 31
6b No wintering bald eagle use area is within 1 mile of the project site
8a Bald eagle nest is within 1 mile of the project site: Aug 16 - Dec 31
8b No bald eagle nest is within 1 mile of the project site: Jul 1 - Feb 28

1b No piling will be installed
9a Bald eagle wintering use area is within ¼ mile of the project site
10a Bald eagle nest is within ¼ mile of the project site: Aug 16 - Oct 31
10b No bald eagle nest is within ¼ mile of the project site: Jul 1 - Oct 31
9b No bald eagle wintering use area is within ¼ mile of the project site
11a Bald eagle nest is within ¼ mile of the project site: Aug 16 - Dec 31
11b No bald eagle nest is within ¼ mile of the project site: Jul 1 - Feb 28

2. Joint-use proposals.
   a. All property owners using the joint-use structure[2] shall be listed as co-applicants and sign the application form.
   b. The joint-use application shall describe the spatial relationship of the joint-use properties (e.g., two contiguous waterfront properties) and show the location of the properties on permit drawings.
   c. The joint-use application shall include an agreement stating that each property owner voluntarily agrees to build no overwater structures on their property except for the maintenance or modification of the authorized joint-use overwater structure. All joint-use property owners shall sign the agreement.
   d. The permit will be issued to all joint-use property owners and permit conditions shall be binding on all parties of the joint-use structure.
   e. Each joint-use applicant shall record with the Registrar of Deeds a copy of the permit drawings, mitigation planting plan (if applicable), final authorization letter and joint-use agreement. Proof of this recording shall be submitted to the Corps within 60 days of final Corps authorization. The purpose of this recording is to ensure that subsequent property owners are aware of the construction, use and mitigation requirements.

3. Piers and ramps.
   a. To prevent damage to shallow water habitat, piers and/or ramps shall extend at least 20 feet perpendicular from the ordinary high water (OHW)[3] mark.
   b. Piers and ramps shall be no more than 4 feet in width.
   c. The bottom of the fascia boards on the pier or bottom of the landward edge of the ramp shall be elevated at least 2 feet above the plane of OHW.
   d. Grating or clear translucent material shall cover the entire surface area of the pier and ramp. The open area[4] of grating shall be at least 60%. Clear translucent material shall have greater than 90% light transmittance as rated by the manufacturer.

---

[2] 'Joint-use' overwater structures are constructed and utilized by more than one contiguous residential waterfront property owner or by a homeowner's association.
'Private use' overwater structures are constructed and utilized by a single residential waterfront property owner.

[3] The term 'ordinary high water' means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding area.

[4] The 'open area' of grating is the area enclosed between the rectangular bars and cross rods in bar grating, or the area enclosed between the bonds and strands in expanded grating. The 'percent open area' is a relative measure of the degree light can pass through the grating. The manufacturer may provide this value. Otherwise, it can be

e. Skirting[5] shall not be placed on piers, ramps or floats.

4. Piling.
   a. Piling shall not exceed 4 inches in diameter. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed 5 inches.
   b. If a drop or impact hammer is used to install or achieve embedment of steel piling, one of the following sound attenuation methods shall be employed:
      i. Placement of a 6-inch thick piece of wood between the hammer and piling.
      ii. Use of a bubble curtain that distributes air around 100% of the perimeter of the piling over the full depth of the water column. (Bubble curtain design information is available at the Corps website.)
   c. Piling shall be white in color.
   d. Piling shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier and floats are separate components. Two joint-use floats linked together constitute one component.
   e. Each overwater structure shall utilize no more than 10 piles.
   f. All piling, mooring buoys and navigation aids shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.
   g. If piling are removed:
      i. Dislodge piling with a vibratory system.
      ii. After removal, place the piling on a construction barge or other dry storage site.
      iii. If a treated wood piling breaks during extraction, the stump must be removed from the water column by cutting it 3 feet below the sediment surface or pushing it to that depth. The buried stump must then be capped with clean native sediment.
      iv. Fill holes left by the extracted piling with clean native sediment.

5. Preservatives.
   a. Treated wood[6] may be used for piling provided the applicant demonstrates that the concentrations of copper in the water column and sediment will not exceed 7 parts per billion at 55mg/L hardness and 34 parts per million, respectively, as measured by a prescribed NMFS method[7]. (This method is available at the Corps website.)
   b. Piling treated with creosote or pentachlorophenol shall not be used.
   c. The permittee shall visually inspect and replace any treated wood piling with surface residues and/or bleeding of preservatives.
   d. Treated wood piling shall incorporate design features (e.g., metal bands) to minimize abrasion of the piling by vessels, floats or other objects.
   e. Treated wood shall not be used for any above-water component (e.g., structural members, framing, fascia, hand railing, etc.) on piers, ramps or floats.
   f. Any paint, stain or preservative applied to the overwater structure shall be completely dried or cured prior to installation.

---

calculated by dividing the open area by the sum of the open area plus the surface area of a single unit of rectangular bars and cross rods.

[5] 'Skirting' is vertical boards extending downward along the edge of an overwater structure.

[6] 'Treated wood' means lumber, piling and other wood products preserved with alkaline copper quaternary (ACQ), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), copper naphthenate or chromated copper arsenate (CCA).

[7] Position Document for the Use of Treated Wood in Areas within Oregon Occupied by Endangered Species Act Proposed and Listed Anadromous Fish Species, NMFS, December 1998.

g. Projects that require removal of treated wood will take care to ensure that no treated wood debris falls into the water. If treated wood debris does fall into the water it shall be removed immediately.
h. All treated wood removed during the project, including treated wood piling, shall be disposed at an upland facility approved for hazardous materials of this classification. Treated wood piling shall not be left in the water or stacked on the streambank.

6. Floats.
   a. Floats shall not exceed dimensions of 8- by 20-feet. For private-use structures a maximum of one float shall be installed. A maximum of two floats shall be installed for joint-use structures. Joint use requires at least two contiguous waterfront property owners as applicants for the Corps permit. (See the Joint Use section for additional requirements.)
   b. Freeboard[8] height on floats shall be at least 10 inches.
   c. Float materials contacting the water shall be white in color or translucent.
   d. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water.
   e. Functional[9] grating or clear translucent material shall cover at least 50% of the surface area of floats. Submit a framing plan for the proposed floats with calculations showing the percent functional grating (see Appendix C). The open area of grating shall be at least 60%. Clear translucent material shall have greater than 90% light transmittance as rated by the manufacturer.
   f. Floats shall not be located in shallow water habitat where they could ground or impede salmonid passage. The water depth[10] requirement under floats is:
      i. For permanent floats, water depth at the landward edge of the floats shall be at least:
         • 14 feet for Rock Island and Rocky Reach reservoirs and the Okanogan River.
         • 18 feet for Wells Reservoir
      ii. For temporary floats, water depth at the landward edge of the floats shall be at least:
         • 7 feet for Rock Island and Rocky Reach reservoirs and the Okanogan River.
         • 11 feet for Wells Reservoir

      See Appendix D for information on measuring water depth.
   g. Temporary floats shall not be in the water between March 1 and June 30. Removal and installation of authorized temporary floats shall occur between July 1 and February 28.

7. Preconstruction and Construction Activities.
   a. If native vegetation is moved, damaged or destroyed, it shall be replaced with a functional equivalent during site restoration.
   b. Any large wood, native vegetation, weed-free topsoil and native channel material displaced by construction shall be stockpiled for use during site restoration.
   c. No existing habitat features (e.g., woody debris, substrate materials) shall be removed from the shore or aquatic environment. If invasive weeds (e.g., milfoil) are present, removal may occur with authorization from the WDFW.
   d. Construction impacts shall be confined to the minimum area needed to complete the project.

---

[8] 'Freeboard height' is the distance from the top of the float decking to the water surface.
[9] 'Functional' grating or translucent material is material that is not covered or blocked by any objects such as framing wood, floatation tubs, etc.. The percent of functional grating or translucent material is in relation to the surface area of the float.
[10] 'Water depth' is a measurement from the plane of OHW to the riverbed.

e. The boundaries of clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of critical riparian vegetation, wetlands and other sensitive sites beyond the flagged boundary. This action shall be completed before any significant alteration of the project area.
f. A supply of sediment control materials (e.g., silt fence, straw bales) shall be available onsite. This action shall be completed before significant alteration of the project area. When available, certified weed-free straw or hay bales shall be used to prevent introduction of noxious weeds.
g. All temporary erosion controls shall be in place and appropriately installed downslope of project activities within the riparian area until site restoration is complete.
h. Project construction shall cease under high flow conditions that could result in inundation of the project area except for efforts to avoid or minimize resource damage.

8. Pollution and Erosion Control Measures.
   a. A Pollution and Erosion Control Plan (PECP) shall be prepared and carried out to prevent pollution caused by construction operations. The plan shall be available for inspection by the Corps or NMFS. The PECP will contain the pertinent elements listed below and meet requirements of all applicable laws and regulations.
   b. The PECP shall list the name and address of the party(s) responsible for implementation of the PECP.
   c. The PECP shall include practices to prevent erosion and sedimentation associated with access roads, stream crossings, drilling sites, construction sites, borrow pit operations, haul roads, equipment and material storage sites, fueling operations, staging areas and roads being decommissioned.
   d. The PECP shall include practices to confine, remove and dispose of excess concrete, cement, grout and other mortars or bonding agents, including measures for washout facilities.
   e. The PECP shall include a description of any regulated or hazardous products or materials that will be used for the project, including procedures for inventory, storage, handling and monitoring of the products.
   f. The PECP shall include a spill containment and control plan that provides the following information: notification procedures; specific cleanup and disposal instructions for different products; quick-response containment and cleanup measures; proposed methods for disposal of spilled materials; employee training for spill containment. Materials for containment and cleanup shall be available onsite during preconstruction, construction and restoration phases of the project.
   g. The PECP shall include practices to prevent construction debris from dropping into any stream or waterbody and to remove any material that does drop with a minimum disturbance to the streambed and water quality.

9. Heavy Equipment Use.
   a. All heavy equipment[11] shall be clean and free of external oil, fuel or other potential pollutants.
   b. All equipment to be used below OHW shall be steam cleaned until all visible external oil, grease, mud and other visible contaminants are removed. This cleaning shall occur before operations begin and as often as is necessary during operation.

[11] 'Heavy equipment' includes but is not limited to bulldozers, back-end loaders, barges, jackhammers and cement mixers.

c. When heavy equipment is used, the equipment selected will have the least adverse effects on the environment (e.g., minimally sized, low ground pressure equipment).
d. Only enough supplies and equipment to complete a specific job shall be stored onsite.
e. Vehicle staging, cleaning, maintenance, refueling and fuel storage shall only occur in a vehicle staging area placed 150 feet or more from any stream, waterbody or wetland, unless otherwise approved in writing by NMFS.
f. All vehicles operated within 150 feet of any stream, waterbody or wetland shall be inspected daily for fluid leaks before leaving the vehicle staging area. Any leaks detected shall be repaired in the vehicle staging area before the vehicle resumes operation. Inspections shall be documented in a record for review on request by the Corps, NMFS or USFWS.
g. All stationary power equipment (e.g., generators, cranes, stationary drilling equipment) operated within 150 feet of any stream, waterbody or wetland shall be diapered to prevent leaks unless suitable containment is provided to prevent potential spills from entering any stream or waterbody.
h. Heavy equipment shall work from onshore staging areas with the exception of an excavator arm or bucket. Pile drivers may use constructed work platforms (e.g., a barge) to access construction locations.

10. Site Restoration.
    a. A site restoration plan shall be prepared and carried out as necessary to ensure that all streambanks, soils and vegetation disturbed by the project are cleaned up and restored. A written restoration plan shall be available for inspection on request by the Corps, NMFS or USFWS.
    b. Damaged streambanks shall be restored to a natural slope pattern and profile that is suitable for establishment of permanent woody vegetation unless precluded by pre-project conditions (e.g., a natural rock wall).
    c. Areas requiring revegetation shall be replanted before the first April 15th following construction. A diverse assemblage of species native to the project area or region, including grasses, forbs, shrubs and trees shall be used. Noxious or invasive species shall not be used.
    d. Fencing shall be installed as necessary to prevent access to revegetated areas by livestock or unauthorized persons.
    e. When floating or submerged large wood debris must be moved to allow reasonable use of an overwater structure or inwater facility, the wood shall be returned to the water downstream where it will continue to provide aquatic habitat function.

11. Exclusions.
    a. New marinas, floating storage units, boat houses or houseboats shall not be authorized under this RGP.
    b. This RGP prohibits installation of overwater structures in habitat suitable for the orchid, Ute ladies'-tresses (*Spiranthes diluvialis*), including the use of such habitat for staging, storing, stockpiling and site access. Suitable habitat for Ute ladies'-tresses typically includes wetlands, wet meadows, springs and seeps.
    c. Proposed structures shall not occur in an exposed area requiring a breakwater, jetty or groin.
    d. New overwater structures shall only occur in areas further than 0.5 mile downstream from the mouth of the Wenatchee, Entiat, Chelan and Methow rivers.
    e. New overwater structures shall not occur in a deposition area likely to need routine maintenance dredging (e.g., alcoves, backwater sloughs, side channels, other shallow water areas).

f. Buoys and floats shall not be placed in active anchorage and fleeting areas.

12. Mitigation.

a. Select all of the following descriptions that apply to the proposed project. One mitigation unit is required for each description selected.
   i. New overwater structure.
   ii. Repair, replacement or modification of an existing overwater structure and the footprint[12] of the new overwater structure is larger than the footprint of the existing overwater structure.
   iii. Previous Corps-required mitigation has been removed from the site.

b. Each mitigation category listed below is worth one mitigation unit. You must provide justification to the Corps if you cannot provide mitigation from category "i." You must also provide a plan view drawing of the proposed mitigation.
   i. Plant overhanging vegetation along the shoreline immediately landward of OHW in a plot at least 20-feet long by 10-feet wide (see Appendix E).
   ii. Remove 10 linear feet of hardened shoreline and plant the area (10- by 10-feet) with overhanging vegetation.
   iii. Removal of 100 square feet of exiting inwater structure such as a pier, piling, concrete or asphalt debris.

c. For mitigation planting, the planting shall include native shrubs (*Salix sitchensis, S. scouleriana, S. exigua, S. prolixa, S. lasiandra, Cornus stolonifera*) and trees (*Populus trichocarpa, Pinus ponderosa, Pseudotsuga menzeisii*)[13]. The use of native shrubs and trees not listed here must be approved by the Corps. The shrubs and trees shall be planted at intervals of 3- and 10-feet, respectively. At least 2 trees and 15 shrubs shall be included in each 10- by 20-foot plot. For a 10- by 10-foot plot, at least1 tree and 8 shrubs shall be included in the plot. The applicant shall submit a mitigation planting plan[14] with the application. The mitigation planting shall be constructed within 12 months of the Corps' issuance of a permit for the proposed work and no later than the first April 15th following construction.

d. For mitigation planting, 100% survival of all planted trees and shrubs is required during the first and second years after planting. During the third through fifth years after planting, 80% survival is required. The permittee must protect the mitigation from damage (the Corps recommends fencing). Individual plants that die must be replaced in kind (i.e., replace a tree with a tree) with species from the native list above or other species approved by the Corps.

e. A status report on mitigation construction, including as-built drawings, shall be submitted to the Corps 12 months from the date the Corps issues a permit for the proposed work. Status reports on mitigation construction will be due annually to the Corps until the Corps accepts the as-built drawings. The permittee can meet this requirement by submitting to the Corps a completed *Status Report for Mitigation Construction*, which is provided in Appendix F. Annually, the Corps will inform USFWS and NMFS of applicant compliance with mitigation construction.

---

[12] The 'footprint' of an overwater structure is the total surface area (square feet) of the pier, ramp and floats.
[13] Common names for these species are given in Appendix E.
[14] The 'mitigation planting plan' shall include a plan view drawing showing the number and type of species to be planted and the location of the planting plot in relation to the proposed overwater structure and the ordinary high water mark. Please refer to Appendix E for an example of a mitigation planting plan.

f. For mitigation planting, monitoring reports shall be due annually for 5 years from the date the Corps accepts the as-built drawings. The monitoring report must include written and photographic documentation on tree and shrub mortality and replanting efforts. The permittee can meet this requirement by submitting to the Corps a completed *Mitigation Monitoring Report*, which is provided in Appendix G. Annually, the Corps will inform USFWS and NMFS of applicant compliance with mitigation monitoring.
g. The mitigation planting shall be preserved for as long as the permitted project remains in place.
h. Fertilizer, pesticides and herbicides shall not be applied to mitigation planting areas.

13 Fish Harm and Site Access.
a. If a sick, injured or dead specimen of upper Columbia River spring Chinook or upper Columbia River steelhead is found, the finder must notify the Northwest Office of the NMFS Law Enforcement at (206) 526-6133. The finder must take care in handling of sick or injured specimens to ensure effective treatment and in handling dead specimens to preserve biological material in the best possible condition for later analysis of the cause of death. The finder also has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to specimen is not disturbed unnecessarily.
b. Upon locating a dead, injured or sick bull trout, initial notification must be made to the nearest USFWS Law Enforcement Office at Bellingham, Washington at (360) 733-0963. The finder must take care in handling of sick or injured specimens to ensure effective treatment and in handling dead specimens to preserve biological material in the best possible condition for later analysis of the cause of death. The finder also has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to specimen is not disturbed unnecessarily.
c. The permittee shall provide the NMFS, USFWS and Corps reasonable access[15] to the project authorized under this application

Water Quality Certification: Water quality certification requirements have been waived by the Washington Department of Ecology.

Endangered Species: The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the NMFS and/or USFWS, pursuant to Section 7 of the ESA, on any action or proposed action permitted, funded or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP may affect federally listed species and has completed consultation with NMFS and USFWS.

Essential Fish Habitat: The Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended by the Sustainable Fisheries Act of 1996 requires all Federal agencies to consult with the NMFS on all actions or proposed actions permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The Corps concluded EFH consultation with NMFS. Conservation recommendations to minimize impacts to EFH are incorporated as conservation measures of this RGP.

[15] 'Reasonable access' means with prior notice to the permittee the NMFS, USFWS and Corps may at reasonable times and in a safe manner enter and inspect permitted projects to ensure compliance with terms and conditions of NMFS and USFWS biological opinions and requirements of the Corps permit.

Permit Conditions: Department of the Army authorization under this RGP is subject to the following general conditions:

GENERAL CONDITIONS

1. Reliance on Permittee's Information. In verifying a permittee's authorization under this RGP, the Department of the Army has relied, in part, on the information provided by the permittee. If this information proves to be false, incomplete, or inaccurate, the permittee's authorization may be modified, suspended or revoked, in whole or in part.

2. Compliance with Terms and Conditions. Projects authorized by this RGP shall comply with all terms and conditions herein and any case-specific conditions added by the Corps, State or Environmental Protection Agency or a tribe as a result of a water quality certification. Failure to abide by these terms and conditions invalidates this authorization and may result in a violation of Federal law, which may require that the permittee restore the site or take other remedial action. Activities requiring Department of the Army authorization that are not specifically authorized by this RGP are prohibited unless authorized by another Department of the Army permit.

3. Contractor's Copy of Permit. The permittee shall provide complete copies of this permit and the Corps verification letter for the authorized project to each contractor involved in the project and keep copies of this permit and Corps verification letter available for inspection at the project site.

4. Compliance Certification. Every permittee shall submit to the Corps, within 30 days of completing the authorized work, certification that the work and any required mitigation were conducted in accordance with the provisions of this RGP, including case-specific special conditions. The permittee must use the Statement of Compliance Form (Appendix H) of this RGP.

5. Access for Inspection. The permittee shall allow the District Engineer or his authorized representative to inspect the project whenever deemed necessary to ensure that the activity is in compliance with the terms and conditions prescribed herein.

6. Limits of Authorization. This permit does *not*:

   a. Obviate the requirement to obtain all other Federal, State or local authorizations required by law for the activity authorized herein, including any authorization required from Congress.

   b. Convey any property rights, either in real estate or material, or any exclusive privileges.

   c. Authorize any injury to property, invasion of rights or any infringement of Federal, State or local laws or regulations.

   d. Authorize the interference with any existing or proposed Federal project.

7. Limits of Federal Liability. This permit is not an approval of the design features of any authorized project or an implication that such project is adequate for the intended purpose; a Department of the Army permit merely expresses the consent of the Federal Government to conduct the proposed work insofar as public rights are concerned. In issuing this RGP, the Federal Government does not assume any liability for the following:

a. Design or construction deficiencies associated with the authorized work.

b. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes, such as flooding.

c. Damages to persons, property or to other permitted or unauthorized activities or structures caused by the activity authorized by this permit.

d. Damages associated with any future modification, suspension or revocation of this permit.

e. The removal, relocation or alteration of any structure or work in navigable waters of the United States ordered by the Secretary of the Army or his authorized representative.

f. Damage to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

8. Tribal Rights. No activity may impair reserved tribal rights, including but not limited to reserved water rights and treaty fishing and hunting rights.

9. Obstruction of Navigation. The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative said structure or work unreasonably obstructs the full and free use of navigable waters of the United States, the permittee shall, upon due notice from the Corps, remove, relocate or alter the obstructions caused thereby without expense to the United States. If the permittee fails to comply with the direction of the Corps, the District Engineer may restore the navigable capacity of the waterway, by contract or otherwise and recover the cost thereof from the permittee.

10. Stability. The permittee shall design projects to be stable against the forces of flowing water, wave action and the wake of passing vessels.

11. Maintenance. The permittee shall properly maintain all authorized structures, including maintenance necessary to ensure public safety.

12. Marking Structures. The permittee shall install and maintain any lights, signals or other appropriate markers necessary to clearly designate the location of structures or work that might pose a hazard to public safety. Permittees shall abide by U.S. Coast Guard requirements concerning the marking of structures and work in navigable waters of the United States.

13. Endangered Species. This RGP does not authorize any activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation as identified under the ESA.

14. Essential Fish Habitat. This RGP does not authorize any activity that may adversely affect designated Essential Fish Habitat as defined under the Magnuson-Stevens Fishery Conservation and Management Act.

15. Historic Properties. This RGP does not authorize any activity that may affect historic properties listed or eligible for listing in the National Register of Historic Places (NRHP) until the provisions of 33 CFR 325 Appendix C have been satisfied. Historic properties include prehistoric and historic archeological sites and areas or structures of cultural interest. A prospective permittee must notify the District Engineer if the proposed activity may affect an historic property that is listed, eligible for listing or may be eligible for listing in the NRHP and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. If a previously unknown historic property is encountered during work authorized by this RGP, the permittee shall immediately cease all ground activities in the immediate area and notify the Corps within 1 business day of discovery. The permittee shall perform any work required by the Corps in accordance with Section 106 of the National Historic Preservation Act and Corps regulations and avoid any further impact to the property until the District Engineer verifies that the requirements of 33 CFR Part 325 Appendix C have been satisfied.

16. Water Quality Standards. All activities authorized herein that involve a discharge of dredged or fill material into waters of the United States shall at all times remain consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (P.L. 92-500; 86 Stat. 816) or pursuant to applicable State and local law.

17. Minimization of Environmental Impact. The permittee shall make every reasonable effort to conduct the authorized activities in a manner that minimizes the adverse impact of the work on water quality, fish and wildlife and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, shellfish beds and aquatic resource buffer zones.

18. Soil Erosion and Sediment Controls. The permittee shall use and maintain appropriate erosion and sediment controls in effective operating condition and permanently stabilize all exposed soil and other fills, including any work below the ordinary high water mark. The permittee shall remove all installed controls as soon as they are no longer needed to control erosion or sediment.

19. Aquatic Life Movements. The permittee shall not substantially disrupt the necessary life-cycle movement of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.

20. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain downstream flow conditions. Furthermore, the activity shall not permanently restrict or impede the passage of normal or expected high flows. The permittee should limit the work conducted in waters of the United States to low- or no-flow periods.

21. Water Supply Intakes. The permittee shall ensure that activities authorized by this RGP have no more than a minimal adverse impact on public water supply intakes.

22. Suitable Material. Any material or structure placed in waters of the United States, whether temporary or permanent, shall be free of toxic pollutants in toxic amounts.

23. Disposal of Excess Material. All construction debris and any other material not authorized by the Corps for permanent placement into waters of the United States shall be disposed of in an upland location in a manner that precludes it from entering waters of the United States.

Modification, suspension, or revocation of the RGP: This RGP may be modified or suspended in whole or in part if the Secretary of the Army or his authorized representative determines that the individual or cumulative impacts of work that would be authorized using this procedure are contrary to the public interest. Any such modification, suspension or revocation shall become effective 30 days after the issuance of a public notice announcing such action. The final decision whether to modify, suspend or revoke this permit, in whole or in part, shall be made pursuant to procedures prescribed by the Chief of Engineers. Following such revocation, any future activities heretofore authorized by this RGP will require alternate Department of the Army authorization.

The authorization of an individual project under this RGP may also be summarily modified, suspended or revoked, in whole or in part, if the permittee either fails to abide by the terms and conditions of this permit or provides information that proves to be false, incomplete or inaccurate, or upon a finding by the District Engineer that such action would be in the public interest. If a permittee's authorization is revoked, the permittee shall, upon notice of such revocation, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former condition. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

Expiration of the RGP: This permit shall become effective on the date of the signature of the District Engineer or his authorized representative and will automatically expire 5 years from that date unless the permit is modified, revoked, or extended prior to that date. Activities that have commenced (e.g., are under construction) or are under contract to commence in reliance upon this permit will remain authorized provided that the activity is completed within 1 year of the date of this permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

1/28/05
Date

for DEBRA M. LEWIS
Colonel, Corps of Engineers
District Engineer

APPENDIX A
Application Form for RGP 5
Version: 4 February 2005

Please fully complete this form and attach vicinity, plan and elevation drawings and any other relevant information. Submit the information to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, Washington 98124-3755.

This application is for new residential overwater structures[1] and the replacement, repair and modification of existing residential overwater structures in the Columbia River between Chief Joseph and Rock Island dams (Wells, Rocky Reach and Rock Island reservoirs) and the Okanogan River between river mile 5 and 0. You may use this application whether or not your project meets all requirements of Regional General Permit (RGP) 5. However, projects not meeting all requirements must undergo Section 7 Endangered Species Act (ESA) consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). Section 7 ESA consultation could take up to 180 days to complete and may result in mandatory conditions requiring a more conservative design or additional mitigation. Therefore, projects not meeting all requirements should provide a greater amount of mitigation than is required by RGP 5 in order to offset impacts to the aquatic environment.

SECTION A - Eligibility for RGP

1. **Eligibility for RGP**
   a. Corps reference number: _____ [To be completed by the Corps]
   b. This application:
      ☐ Meets all of the requirements of RGP 5.
      ☐ Does not meet all of the requirements of RGP 5. This form constitutes an application for an individual permit and a reference biological evaluation in association with
      NMFS reference: 2002/01468
      USFWS reference: 03-W0106.

SECTION B - General Information			
2. **Applicant name:**			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
Joint-use applicant name:			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
3. **Authorized agent name:**			
Mailing address:			
Work phone:	Home phone:	Email:	Fax:
4. **Relationship of applicant to property:** ☐ Owner ☐ Purchaser ☐ Lessee ☐ Other Describe 'other':			

[1] 'Overwater structures' include piers, ramps, floats and their associated structures. Associated structures include ladders, swim steps and stabilizing chains and anchors for floats.

SECTION B - General Information
Relationship of joint-use applicant to property: ☐ Owner ☐ Purchaser ☐ Lessee ☐ Other Describe 'other':
5. **Name, address and phone number of property owner(s)** (if other than applicant): Name, address and phone number of joint-use property owner(s) (if other than applicant):
6. **Location where proposed work will occur** (street address, city, county): Location of joint-use property (street address, city, county): Waterbody: ¼ Section, Section, Township, Range
7. **Adjacent property owners** (name, street address, city, state, zip code): a. b.

SECTION C - Abbreviations Used in this Application
Corps – U.S. Army Corps of Engineers, Seattle District
ESA – Endangered Species Act
HPA – Hydraulic Project Approval
JARPA - Joint Aquatic Resources Permit Application
NMFS – National Marine Fisheries Service
OHW – ordinary high water
PECP – pollution and erosion control plan
RGP – regional general permit
USFWS – U.S. Fish and Wildlife Service
WDFW – Washington State Department of Fish and Wildlife

Instructions for Section D. Please provide the information in Section D in order for the USFWS to determine whether the project area provides habitat suitable for the orchid, Ute ladies'-tresses (*Spiranthes diluvialis*). Answer each question by placing an X in the "Yes" or "No" column. You must also complete the column on the right with your specific project information.

Yes	No	**SECTION D** **Project Area Habitat**	**Specific Project Information**
☐	☐	8. Is there a wet area (wetland, wet meadow, spring or seep) on your property? If yes, list the type of wet area and the distance between it and the proposed overwater structure.	Type wet area: Distance:
☐	☐	9. Is the riparian zone or wet area composed of mostly upland vegetation?	
☐	☐	10. Does the riparian zone or wet area dry up by mid-July with a water table lower than 12" below the soil surface?	
☐	☐	11. Is the riverbank heavily stabilized by riprap?	
☐	☐	12. Is there a steep, abrupt transition from the river to the uplands?	Steepness of slope (%):
☐	☐	13. Is the riparian zone or riverbank characterized by standing water with cattails (*Typha spp.*) and other aquatic vegetation?	List vegetation in riparian zone:

Yes	No	SECTION D Project Area Habitat	Specific Project Information
☐	☐	14. Is the riparian zone or riverbank vegetated by dense rhizomatous species such as reed canary grass (*Phalaris arundinacea*), tamarisk (*Tamarix ramosissima*), teasel (*Dipsacus sylvestris*), common reed (*Phragmites australis*) or salt grass (*Distichlis spicata*)?	
☐	☐	15. Is the riparian zone overgrazed or managed such that the vegetation is composed of upland native or weedy species or is it unvegetated?	
☐	☐	16. Is the riparian zone or wet area plowed or cropped or is it converted to lawn?	
☐	☐	17. Has the riparian zone or wet area been stripped of the topsoil?	
☐	☐	18. Has construction been completed in the riparian zone or wet area within the past 5 years and the area has not been revegetated.	

Instructions for Section E. Provide the information in Section E in order to determine the allowable work window for the project. Answer each question by placing an X in the "Yes" or "No" column. You must also complete the column on the right with your specific project information.

Yes	No	SECTION E Allowable Work Window	Specific Project Information
☐	☐	19. Is there a bald eagle nest within 1 mile of the proposed project? The nesting period is defined as January 1 - August 15	Distance to nest:
☐	☐	20. Is the proposed project located within 1 mile of habitat used by bald eagle during the wintering period (as shown in the WDFW Priority Habitats and Species database)? The wintering period is defined as November 1 - March 31	Distance to wintering location:
☐	☐	21. Will piling be installed by impact or drop hammer? If yes: a. If a bald eagle nest is within 1 mile of the proposed work, the allowable work window for bald eagle is: August 16 - December 31 b. If a bald eagle wintering area is within 1 mile of the proposed work, the allowable work window for bald eagle is: April 1 - October 31 c. If a bald eagle nest and wintering area is within 1 mile of the proposed work, the allowable work window for bald eagle is: August 16 - October 31 d. If there are no bald eagle nests and wintering areas within 1 mile of the proposed work, the allowable work window for bald eagle is: Year round	Allowable window for bald eagle if impact or drop hammer is used:
☐	☐	22. Will piling be installed by jack hammer, vibratory system	Allowable window for bald

Yes	No	SECTION E Allowable Work Window	Specific Project Information
		or sledge hammer? If yes: a. If a bald eagle nest is within 0.5 mile of the proposed work, the allowable work window for bald eagle is: August 16 - December 31 b. If a bald eagle wintering area is within 0.5 mile of the proposed work, the allowable work window for bald eagle is: April 1 - October 31 c. If a bald eagle nest and wintering area is within 0.5 mile of the proposed work, the allowable work window for bald eagle is: August 16 - October 31 d. If there are no bald eagle nests and wintering areas within 0.5 mile of the proposed work, the allowable work window for bald eagle is: Year round	eagle if jack hammer, vibratory system or sledge hammer is used:
☐	☐	23. Will the overwater structure be constructed without piling installation? If no piling are installed the allowable work window for bald eagle is: Year round	Allowable work window if no piling are installed:
		24. For all projects, the allowable work window for bull trout, upper Columbia River spring Chinook and upper Columbia River steelhead is: July 1 - February 28	Allowable work window for fishes: July 1 - February 28
☐	☐	25. The allowable work window for this project is the common date of the bald eagle and fish work windows. For example, if the allowable bald eagle work window is August 16 - October 31 and the allowable work window for fish is July 1 - February 28 the allowable work window for the project is August 16 - October 31. I (we) agree to comply with the allowable work window established by the Corps.	Allowable work window for the project:

Instructions for Section F. Please indicate whether your project is for private- or joint-use as defined below.

Yes	No	SECTION F Type of Use
☐	☐	26. *Private use.* The proposed work is for a *private-use* overwater structure, which is a structure constructed and utilized by a single residential waterfront property owner.
☐	☐	27. *Joint use.* The proposed work is for a *joint-use* overwater structure, which is a structure constructed and utilized by more than one contiguous residential waterfront property owner or by a homeowner's association.

Instructions for Section G. Fill out Section G only if your project is for a joint-use overwater structure. Answer each question by placing an X in the "Yes" or "No" column and completing the column on the right with your specific project information.

Yes	No	SECTION G Joint-Use Proposals	Specific Project Information
☐	☐	28. All property owners using the proposed joint-use structure shall be listed as co-applicants and shall sign the application.	
☐	☐	29. Describe the spatial relationship of joint-use properties (e.g., two contiguous waterfront properties) and show the location of the properties on permit drawings.	Describe spatial relationship: Permit drawings show properties: ☐ Yes ☐ No
☐	☐	30. The joint-use application shall include an agreement stating that each property owner voluntarily agrees to build no overwater structures on their property except for the maintenance or modification of the authorized joint-use overwater structure. All joint-use property owners shall sign the agreement.	Joint-use agreement is attached: ☐ Yes ☐ No
☐	☐	31. The permit will be issued to all joint-use property owners and permit conditions shall be binding on all parties of the joint-use structure.	
☐	☐	32. Each joint-use applicant shall record with the Registrar of Deeds a copy of the permit drawings, mitigation planting plan (if applicable), final authorization letter and joint-use agreement. Proof of this recording shall be submitted to the Corps within 60 days of final Corps authorization. The purpose of this recording is to ensure that subsequent property owners are aware of the construction, use and mitigation requirements.	

Instructions for Sections H - O. In the remaining sections of this application (Sections H - O), place an X in the "Yes" column if you agree to implement the requirement or an X in the "No" column if you will not implement the requirement. Place an X in the "N/A" column if the requirement is not applicable to your project. You must also complete the column on the right with your specific project information.

Yes	No	N/A	SECTION H Construction Design Requirements	Specific Project Information
☐	☐	☐	33. Piers and/or ramps shall extend at least 20' perpendicular from the OHW[2] mark.	Distance pier/ramp will extend:
☐	☐	☐	34. Piers and ramps shall be no more than 4' in width.	Width of pier: Width of ramp:
☐	☐	☐	35. The bottom of the fascia boards on the pier or bottom of the landward edge of the ramp shall be	Pier height above OHW:

[2] OHW is 'ordinary high water,' which is defined as that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris or other appropriate means that consider the characteristics of the surrounding area.

Yes	No	N/A	SECTION H Construction Design Requirements	Specific Project Information
			elevated at least 2' above the plane of OHW.	Ramp height above OHW:
☐	☐	☐	36. Grating or clear translucent material shall cover the entire surface area of the pier and ramp. The open area[3] of grating shall be at least 60%. Clear translucent material shall have greater than 90% light transmittance as rated by the manufacturer.	Percent of surface area with grating or translucent material: Pier: Ramp: Percent open area of grating: For translucent material, percent light transmittance:
☐	☐	☐	37. Piling shall not exceed 4" in diameter. If piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed 5".	Are piling sleeved? ☐ Yes ☐ No Piling plus sleeve diameter:
☐	☐	☐	38. If a drop or impact hammer is used to install or achieve full embedment of steel piling, one of the following sound attenuation methods shall be employed: a. Placement of a 6" thick piece of wood between the hammer and piling. b. Use of a bubble curtain that distributes air bubbles around 100% of the perimeter of the piling over the full depth of the water column. (Bubble curtain design information is available at the Corps website.)	Pile driving method: Sound attenuation method you'll use:
☐	☐	☐	39. Piling shall be white in color.	Piling color:
☐	☐	☐	40. Piling shall be spaced at least 18 feet apart on the same side of any component of the overwater structure. The pier and floats are separate components. Two joint-use floats linked together constitute one component.	Minimum piling spacing on pier: Minimum piling spacing on floats:
☐	☐	☐	41. Each overwater structure shall utilize no more than 10 piles.	Number of piling proposed:
☐	☐	☐	42. All piling, mooring buoys and navigation aids shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.	Type of device:

[3] The 'open area' of grating is the area enclosed between the rectangular bars and cross rods in bar grating or the area enclosed between the bonds and strands in expanding grating. The 'percent open area' is a relative measure of the degree light can pass through the grating. The manufacturer can provide this value. Otherwise, it can be calculated by dividing the open area by the sum of the open area plus the surface area of a single unit of rectangular bars and cross rods.

Yes	No	N/A	SECTION H Construction Design Requirements	Specific Project Information
☐	☐	☐	43. Skirting shall not be placed on piers, ramps and floats.	
☐	☐	☐	44. Treated wood[4] may be used for piling provided the applicant demonstrates that the copper concentration in the water column and sediment will not exceed 7 parts per billion at 55mg/L hardness and 34 parts per million, respectively, as measured by a prescribed NMFS method[5]. (This method is available at the Corps website.).	Documentation of calculated water column and sediment concentrations of copper is attached: ☐ Yes ☐ No
☐	☐	☐	45. Piling treated with creosote or pentachlorophenol shall not be used.	
☐	☐	☐	46. The permittee shall visually inspect and replace any treated wood piling with surface residues and/or bleeding of preservatives.	Type of wood treatment, if applicable:
☐	☐	☐	47. Treated wood piling shall incorporate design features (e.g., metal bands) to minimize abrasion of the piling by vessels, floats or other objects.	Describe method to prevent abrasion:
☐	☐	☐	48. Treated wood shall not be used for any above-water component (e.g., structural members, framing, fascia, hand railing, etc.) on piers, ramps and floats.	Type of wood treatment, if applicable:
☐	☐	☐	49. Any paint, stain or preservative applied to the overwater structure shall be completely dried or cured prior to installation.	
☐	☐	☐	50. Projects that require removal of treated wood will take care to ensure that no treated wood falls into the water. If treated wood debris does fall into the water it shall be removed immediately.	
☐	☐	☐	51. If piling are removed: a. Dislodge piling with a vibratory system. b. After removal, place the piling on a construction barge or other dry storage site. c. If a treated wood piling breaks during extraction, the stump must be removed from the water column (by cutting it 3' below the substrate or pushing it to that depth). The buried stump must then be capped with clean native sediment. d. Fill holes left by piling extraction with clean native sediment.	Method of piling removal:
☐	☐	☐	52. All treated wood removed during the project, including treated wood piling, shall be disposed at	Treated wood disposal site:

[4] 'Treated wood' means lumber, piling and other wood products preserved with alkaline copper quaternary (ACQ), ammoniacal copper arsenate (ACA), ammoniacal copper zinc arsenate (ACZA), copper naphthenate or chromated copper arsenate.

[5] Position Document for the Use of Treated Wood in Areas within Oregon Occupied by Endangered Species Act Proposed and Listed Anadromous Fish Species, NMFS, December 1998.

Yes	No	N/A	SECTION H Construction Design Requirements	Specific Project Information
			an upland facility approved for hazardous materials of this classification. Treated wood piling shall not be left in the water or stacked on the streambank.	
☐	☐	☐	53. Floats shall not exceed dimensions of 8' by 20'. For private-use structures a maximum of 1 float shall be installed. A maximum of 2 floats shall be installed for joint-use structures. Joint-use requires at least two contiguous waterfront property owners as applicants for the Corps permit. (See joint-use section.)	Number of floats to be installed: Dimension of float(s):
☐	☐	☐	54. Freeboard height[6] on floats shall be at least 10".	Freeboard height:
☐	☐	☐	55. Float materials contacting the water shall be white in color or translucent.	Float color:
☐	☐	☐	56. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water.	Describe type of flotation:
☐	☐	☐	57. Functional[7] grating or clear translucent material shall cover at least 50% of the surface area of floats. Submit a framing plan for the proposed floats with calculations showing the % functional grating (see Appendix C). The open area of float grating shall be at least 60%. Clear translucent material must have greater than 90% light transmittance as rated by the manufacturer.	Percent functional grating or translucent material: Framing plan is attached: ☐ Yes ☐ No Percent open area of grating: Percent light transmittance of translucent material:

[6] 'Freeboard height' is the distance from the top of the float decking to the water surface.

[7] 'Functional' grating or translucent material is material that is not covered or blocked by any objects such as framing wood, flotation tubs, etc. The percent of functional grating or translucent material is in relation to the surface area of the float.

Yes	No	N/A	SECTION H Construction Design Requirements	Specific Project Information
☐	☐	☐	58. Water depth[8] requirement under floats. (Appendix D has information on measuring water depth.) a. Floats shall not be located in shallow water habitat where they could ground or impede salmonid passage. b. To receive authorization for permanent floats, water depth at the landward edge of the floats shall be at least: • 14' for Rock Island and Rocky Reach reservoirs and the Okanogan River. • 18' for Wells Reservoir. c. To receive authorization for temporary floats, water depth at the landward edge of the floats shall be at least: • 7' for Rock Island and Rocky Reach reservoirs and the Okanogan River. • 11' for Wells Reservoir.	Water depth at landward edge of floats: Waterbody: Permanent or temporary floats proposed?
☐	☐	☐	59. Temporary floats shall <u>not</u> be in the water between March 1 and June 30. Removal and installation of authorized temporary floats shall occur between July 1 and February 28.	

Yes	No	SECTION I Preconstruction and Construction Activities	Specific Project Information
☐	☐	60. If native vegetation is moved, damaged or destroyed it shall be replaced with a functional equivalent during site restoration.	List amount and species of vegetation you'll remove: List amount and species of replacement vegetation:
☐	☐	61. Any large wood, native vegetation, weed-free topsoil and native channel material displaced by construction shall be stockpiled for use during site restoration.	
☐	☐	62. No existing habitat features (e.g., woody debris, substrate materials) shall be removed from the shore or aquatic environment. If invasive weeds (e.g., milfoil) are present, removal may occur with authorization from the WDFW.	
☐	☐	63. Construction impacts shall be confined to the minimum area needed to complete the project.	
☐	☐	64. The boundaries of clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of critical riparian vegetation, wetlands and other sensitive sites beyond the flagged boundary. This action shall be completed before any significant alteration of the project area.	

[8] 'Water depth' is a measurement from the plane of OHW to the riverbed.

Yes	No	SECTION I Preconstruction and Construction Activities	Specific Project Information
☐	☐	65. A supply of sediment control measures (e.g., silt fence, straw bales) shall be available onsite. This action shall be completed before significant alteration of the project area. When available, certified weed-free straw or hay bales shall be used to prevent introduction of noxious weeds.	
		66. All temporary erosion controls shall be in place and appropriately installed downslope of project activities within the riparian area until site restoration is complete.	
☐	☐	67. Project construction shall cease under high flow conditions that could result in inundation of the project area except for efforts to avoid or minimize resource damage.	

Yes	No	SECTION J Pollution and Erosion Control Measures
☐	☐	68. A Pollution and Erosion Control Plan (PECP) shall be prepared and carried out to prevent pollution caused by construction operations. The plan shall be available for inspection by the Corps or NMFS. The PECP shall contain the pertinent elements listed below and meet requirements of all applicable laws and regulations.
☐	☐	69. The PECP shall list the name and address of the party(s) responsible for implementation of the PECP.
☐	☐	70. The PECP shall include practices to prevent erosion and sedimentation associated with access roads, stream crossings, drilling sites, construction sites, borrow pit operations, haul roads, equipment and material storage sites, fueling operations, staging areas and roads being decommissioned.
☐	☐	71. The PECP shall include practices to confine, remove and dispose of excess concrete, cement, grout and other mortars or bonding agents, including measures for washout facilities.
☐	☐	72. The PECP shall include a description of any regulated or hazardous products or materials that will be used for the project, including procedures for inventory, storage, handling and monitoring of the products.
☐	☐	73. The PECP shall include a spill containment and control plan that provides the following information: notification procedures; specific cleanup and disposal instructions for different products; quick-response containment and cleanup measures; proposed methods for disposal of spilled materials; employee training for spill containment. Materials for containment and cleanup shall be available onsite during preconstruction, construction and restoration phases of the project.
☐	☐	74. The PECP shall include practices to prevent construction debris from dropping into any stream or waterbody and to remove any material that does drop with minimum disturbance to the streambed and water quality.

Yes	No	N/A	SECTION K Heavy Equipment Use
☐	☐	☐	75. All heavy equipment[9] shall be clean and free of external oil, fuel or other potential pollutants.
☐	☐	☐	76. All equipment to be used below OHW shall be steam cleaned until all visible external oil, grease, mud and other visible contaminants are removed. This

[9] 'Heavy equipment' includes but is not limited to bulldozers, back-end loaders, barges, jackhammers and cement mixers.

Yes	No	N/A	SECTION K Heavy Equipment Use
			cleaning shall occur before operations begin and as often as is necessary during operation.
☐	☐	☐	77. When heavy equipment is used, the equipment will have the least adverse effects on the environment (e.g., minimally sized, low ground pressure equipment).
☐	☐	☐	78. Only enough supplies and equipment to complete a specific job shall be stored onsite.
☐	☐	☐	79. Vehicle staging, cleaning maintenance, refueling and fuel storage shall only occur in a vehicle staging area placed 150' or more from any stream, waterbody or wetland unless otherwise approved in writing by NMFS.
☐	☐	☐	80. All vehicles operated within 150' of any stream, waterbody or wetland shall be inspected daily for fuel leaks before leaving the vehicle staging area. Any leaks detected shall be repaired in the vehicle staging area before the vehicle resumes operation. Inspections shall be documented in a record for review on request by the Corps, NMFS or USFWS.
☐	☐	☐	81. All stationary power equipment (e.g., generators, cranes, stationary drilling equipment) operated within 150' of any stream, waterbody or wetland shall be diapered to prevent leaks unless suitable containment is provided to prevent potential spills from entering any stream or waterbody.
☐	☐	☐	82. Heavy equipment shall work from onshore staging areas with the exception of an excavator arm or bucket. Pile drivers may use constructed work platforms (e.g., a barge) to access construction locations

Yes	No	SECTION L Site Restoration
☐	☐	83. A site restoration plan shall be prepared and carried out as necessary to ensure that all streambanks, soils and vegetation disturbed by the project are cleaned up and restored. A written restoration plan shall be available for inspection on request by the Corps, NMFS or USFWS.
☐	☐	84. Damaged streambanks shall be restored to a natural slope pattern and profile that is suitable for establishment of permanent woody vegetation unless precluded by pre-project conditions (e.g., a natural rock wall).
☐	☐	85. Areas requiring revegetation shall be replanted before the first April 15th following construction. A diverse assemblage of species native to the project area or region, including grasses, forbs, shrubs and trees shall be used. Noxious or invasive species shall not be used.
☐	☐	86. Fencing shall be installed as necessary to prevent access to revegetated areas by livestock or unauthorized persons.
☐	☐	87. When floating or submerged large wood debris must be moved to allow reasonable use of an overwater structure or inwater facility, the wood shall be returned to the water downstream where it will continue to provide aquatic habitat function.

Yes	No	SECTION M Exclusions	Specific Project Information
☐	☐	88. New marinas, floating storage units, boat houses or houseboats shall not be authorized under this RGP.	For these types of structures you must submit a JARPA and biological

Yes	No	SECTION M Exclusions	Specific Project Information
			assessment to the Corps.
☐	☐	89. This RGP prohibits installation of overwater structures in habitat suitable for the orchid, Ute ladies'-tresses, including the use of such habitat for staging, storing, stockpiling and site access. Suitable habitat for Ute ladies'-tresses typically includes wetlands, wet meadows, springs and seeps.	If USFWS determines suitable habitat is present, you may be required perform a survey and
☐	☐	90. Proposed structures shall not occur in an exposed area requiring a breakwater, jetty or groin.	
☐	☐	91. New overwater structures shall only occur in areas farther than 0.5 mile downstream from the mouth of the Wenatchee, Entiat, Chelan and Methow rivers.	Distance downstream from nearest stream: Name of stream:
☐	☐	92. New overwater structures shall not occur in a deposition area likely to need routine maintenance dredging (e.g., alcoves, backwater sloughs, side channels, other shallow water area).	
☐	☐	93. Buoys and floats shall not be placed in active anchorage and fleeting area. (There are no active anchorage and fleeting areas in RM 454-530 of the Columbia River and RM 0-5 of the Okanogan River.)	

Yes	No	N/A	SECTION N Mitigation	Specific Project Information
☐	☐	☐	94. Select all of the following descriptions that apply to the proposed project. One mitigation unit is required for each box selected[10]. ☐ New overwater structure. ☐ Repair, replacement or modification of an existing overwater structure and the footprint[11] of the new overwater structure is larger than the existing overwater structure. ☐ Previous Corps-required mitigation has been removed from the site.	a. Number of mitigation units required: b. Additional mitigation units proposed because project does not meet RGP requirements: c. Total mitigation units (add a and b):
☐	☐	☐	95. Each mitigation category listed below is worth 1 mitigation unit. You must provide justification to the Corps if you cannot provide mitigation from category a. You must also provide a plan view drawing of the proposed mitigation. a. Plant overhanging vegetation along the shoreline immediately landward of OHW in a plot at least 20' long by 10' wide (see Appendix E).	Number of mitigation units from category a: Number of mitigation units from category b: Number of mitigation units from category c: Justification for not providing mitigation from category a is

[10] No mitigation is required if you repair, replace or modify an existing structure and the footprint of the new structure is smaller than or equal to the existing structure.
[11] The 'footprint' of an overwater structure is the surface area (square feet) of the pier, ramp and floats.

Yes	No	N/A	SECTION N Mitigation	Specific Project Information
			b. Remove of 10 linear feet of hardened shoreline and plant the area (10' by 10') with overhanging vegetation. c. Remove of 100 square feet of existing inwater structure such as a pier, piling, concrete or asphalt debris.	attached: ☐ Yes ☐ No Plan view drawing of proposed mitigation is attached: ☐ Yes ☐ No
☐	☐	☐	96. For mitigation planting, the planting shall include native shrubs (*Salix sitchensis, S. scouleriana, S. exigua, S. prolixa, S. lasiandra, Cornus stolonifera*) and trees (*Populus trichocarpa, Pinus ponderosa, Pseudotsuga menzeisii*)[12]. The use of native shrubs and trees not listed here must be approved by the Corps. The shrubs and trees shall be planted at intervals of 3' and 10', respectively. At least 2 trees and 15 trees shall be included in each 10' by 20' plot. For a 10' by 10' plot, at least 1 tree and 8 shrubs shall be included in the plot. The applicant shall submit a mitigation planting plan[13] with the application. The mitigation planting shall be constructed within 12 months of the Corps' issuance of a permit for the proposed work and no later than the first April 15th following construction.	Mitigation planting plan is attached: ☐ Yes ☐ No
☐	☐	☐	97. For mitigation planting, 100% survival of all planted trees and shrubs is required during first and second year after planting. During the third through fifth year after planting, 80% survival is required. The permittee must protect the mitigation from damage (the Corps recommends fencing). Individual plants that die must be replaced in kind (i.e., replace a tree with a tree) with species from the native list above or other species approved by the Corps.	
☐	☐	☐	98. A status report on mitigation construction, including as-built drawings, shall be submitted to the Corps 12 months from the date the Corps issues a permit for the proposed work. Status reports on mitigation construction will be due annually to the Corps until the Corps accepts the	

[12] Common names for these species are given in Appendix E.

[13] The 'mitigation planting plan' shall include a plan view drawing showing the number and type of species to be planted and the location of the planting plot in relation to the proposed overwater structure and the OHW mark. Please refer to Appendix E for an example of a mitigation planting plan.

Yes	No	N/A	SECTION N Mitigation	Specific Project Information
			as-built drawings. The permittee can meet this requirement by submitting to the Corps a completed *Status Report for Mitigation Construction*, which is provided in Appendix F. Annually the Corps will inform USFWS and NMFS of applicant compliance with mitigation construction.	
☐	☐	☐	99. For mitigation planting, monitoring reports shall be due annually for 5 years from the date the Corps accepts the as-built drawings. The monitoring report must include written and photographic documentation on tree and shrub mortality and replanting efforts. The permittee can meet this requirement by submitting to the Corps a completed *Mitigation Monitoring Report*, which is provided in Appendix G. Annually the Corps will inform USFWS and NMFS of applicant compliance with mitigation monitoring.	
☐	☐	☐	100. The mitigation planting shall be preserved for as long as the permitted project remains in place.	
☐	☐	☐	101. Fertilizer, pesticides and herbicides shall not be applied to mitigation planting areas.	

Yes	No	SECTION O Fish Harm and Site Access
		102. If a sick, injured or dead specimen of upper Columbia River spring Chinook or upper Columbia River steelhead is found, the finder must notify the Northwest Office of the NMFS Law Enforcement at (206) 526-6133. The finder must take care in handling of sick or injured specimens to ensure effective treatment and in handling dead specimens to preserve biological material in the best possible condition for later analysis of the cause of death. The finder also has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to specimen is not disturbed unnecessarily.
☐	☐	103. Upon locating a dead, injured or sick bull trout, initial notification must be made to the nearest USFWS Law Enforcement Office at Bellingham, Washington at (360) 733-0963. The finder must take care in handling of sick or injured specimens to ensure effective treatment and in handling dead specimens to preserve biological material in the best possible condition for later analysis of the cause of death. The finder also has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to specimen is not disturbed unnecessarily.
☐	☐	104. The permittee shall provide the NMFS, USFWS and Corps reasonable access[14] to the project authorized under this application.

[14] 'Reasonable access' means with prior notice to the permittee the NMFS, USFWS and Corps may at reasonable times and in a safe manner enter and inspect permitted projects to ensure compliance with terms and conditions of NMFS and USFWS biological opinions and requirements of the Corps permit.

APPLICATION IS HEREBY MADE FOR A PERMIT OR PERMITS TO AUTHORIZE THE ACTIVITIES DESCRIBED HEREIN. I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS APPLICATION, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUCH INFORMATION IS TRUE, COMPLETE AND ACCURATE. I FURTHER CERTIFY THAT I POSSESS THE AUTHORITY TO UNDERTAKE THE PROPOSED ACTIVITIES. I HEREBY GRANT TO THE AGENCIES TO WHICH THIS APPLICATION IS MADE, THE RIGHT TO ENTER THE ABOVE-DESCRIBED LOCATION TO INSPECT THE PROPOSED, IN-PROGRESS OR COMPLETED WORK. I VOLUNTARILY AGREE TO MEET ALL REQUIREMENTS OF THIS RGP. I AGREE TO START WORK ONLY AFTER ALL NECESSARY PERMITS HAVE BEEN RECEIVED.

_____ _____

Signature of Applicant Date

_____ _____

Signature of Co-Applicant Date

_____ _____

Signature of Authorized Agent Date

APPENDIX B

Drawing Checklist for RGP 5

Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

1. GENERAL

( ) Use clear black lettering and fewest number of sheets possible; use 8 ½- by 11-inch sheets
( ) State the purpose of the proposed or existing work
( ) Show datum used in plan and elevation drawings
( ) Use a graphic scale on all drawings
( ) Use a north arrow and prepare drawing with north being directed to the top of the page
( ) Label all proposed and existing work as such (e.g., Proposed Pier, Proposed Fill...)

2. TITLE BLOCK

( ) A completed title block (first example) must be on first sheet; for subsequent sheets you can use the abbreviated block (second example)

PURPOSE: DATUM: ADJACENT PROPERTY OWNERS: 1. 2.	APPLICANT: Reference Number: LOCATION ADDRESS: DATE:	PROPOSED: WATERBODY: NEAR/AT: COUNTY: STATE: WA SHEET * OF *

Reference #: Applicant: Proposed: At Washington Sheet * of * Date

3. VICINITY MAP

( ) Clearly show location of project (e.g., arrow, circle, etc.)
( ) List latitude, longitude, section, township and range
( ) Name waterways
( ) Show roads, streets and/or mileage to nearest town or city limits

4. PLAN VIEW

( ) Show the ordinary high water (OHW) line.
( ) Show dimensions of proposed structures/fills, distance to property lines, encroachment beyond the OHW line, wetland boundaries and specific impacts to wetlands
( ) Indicate location, quantity and type of fill, if any
( ) Show all existing structures or fills on subject and adjacent properties
( ) Show direction of river flow
( ) Show location of subject and adjacent properties and indicate them by number in the drawing and title block

5. ELEVATION AND/OR SECTION VIEW

( ) Show shorelines, MHW line, MHHW line, OHW line, wetland boundary
( ) Show original and proposed elevations, water depths, dimensions of proposed structures or fills, and pertinent vertical dimensions to top and base of structure/fill; use the same vertical and horizontal scale, if possible

APPENDIX C

Functional Grating or Translucent Material Calculations for RGP 5

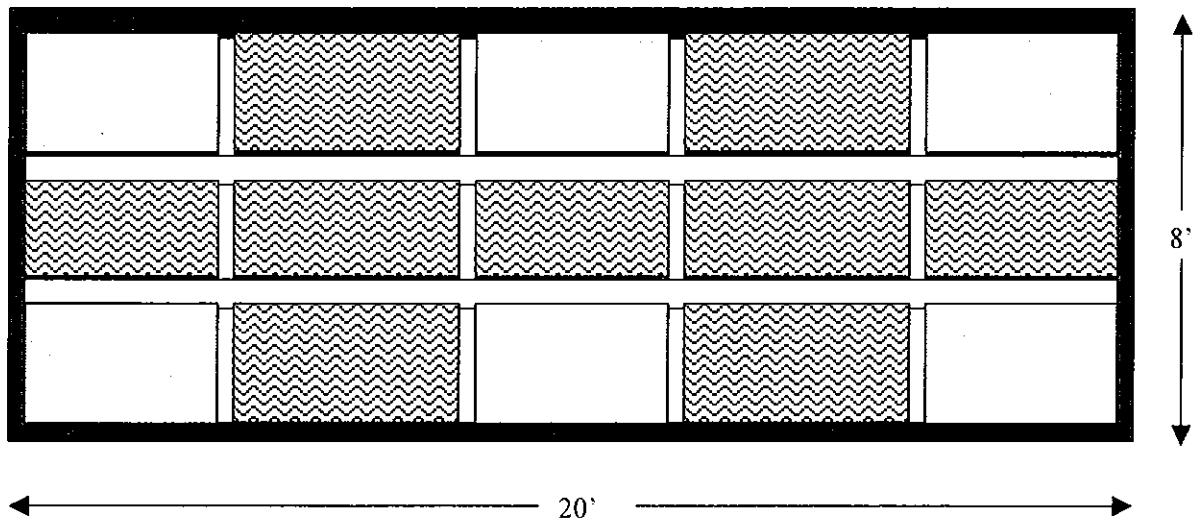
Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

Conservation measures of this RGP require specific dimensions for floats and light transmitting materials. The following information is provided as a guide to meeting these requirements.

Float Dimension and Light Transmitting Requirements.

- Floats shall not exceed dimensions of 8- by 20-feet.
- *Functional* grating or clear translucent material shall cover at least 50% of the surface area of the floats. Functional grating or translucent material is material that is not covered or blocked by any objects such as framing, flotation tubs, etc.

Functional grating example:



Example of calculating functional grating on a float:

The total surface area of the 8' x 20' float:	160 ft^2
Area of float tubs:	54 ft^2
Area of framing wood:	20 ft^2

Area of functional grating: $160\ ft^2 - 54\ ft^2 - 20\ ft^2 = 86\ ft^2$

Percent functional grating: $86\ ft^2 / 160\ ft^2 = 54\ \%$

APPENDIX D

Water Depth Requirements for RGP 5

Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

Conservation measures of this RGP require a minimum water depth under floats. The water depth requirements ensure floats will not ground and minimize impacts of prop scour from boats on fish species and their habitat protected under the Endangered Species Act. Impacts to shallow water habitat can be minimized by installing floats in deep water. Permit applicants must assess the water depth at their project site in order to comply with the requirements of the RGP.

The surface elevation of each reservoir fluctuates seasonally based on available inputs from tributaries and the operation of the hydroelectric dams. As a result, the surface elevation of a reservoir may be above, at or below the ordinary high water (OHW) mark on a given day. Each reservoir has a low pool elevation as a result of seasonal draw down. The change in surface elevation between OHW and low pool for Rock Island and Rocky Reach reservoirs and the lower Okanogan River is 4 feet. The change in surface elevation between OHW and low pool for Wells Reservoir is 10 feet. This seasonal change in water level was considered when establishing the water depth requirements for floats.

Water depth is a measurement from the plane of OHW to the riverbed. To minimize adverse impacts from floats and boating activities the following water depth requirements apply to RGP 5:

a. For permanent floats, water depth at the landward edge of the floats shall be at least:

- 14 feet for Rock Island and Rocky Reach reservoirs and the Okanogan River
- 18 feet for Wells Reservoir

b. For temporary floats, water depth at the landward edge of the floats shall be at least:

- 7 feet for Rock Island and Rocky Reach reservoirs and the Okanogan River
- 11 feet for Wells Reservoir

Permanent floats may remain in the water all year. Temporary floats shall not be in the water from March 1 through June 30 of any year. The removal and installation of authorized temporary floats can occur at any time from July 1 through February 28. The water depth requirements will ensure that floats will be in at least three feet of water during low pool. Removing temporary floats from the water in the spring will reduce their adverse impacts on outmigrating juvenile salmonids.

The water depth must be measured at the landward edge of the proposed float. Figure 1 is a schematic drawing of a proposed float that would be installed 25 feet from the shore (measured from the OHW mark on the bank). To measure the water depth at this site, first measure how deep the water is at the location of the landward edge of the proposed float (use a boat and plumb bob). This measurement is 8 feet in Figure 1. Next, measure the distance between the water surface elevation and the OHW elevation. A simple way to do this is to extend a level line (use a string with an attached bubble level or use a carpenter's level) from the OHW mark on the bank to the waters edge. Measure the distance from the level line to the water's surface. This measurement is 2 feet in Figure 1. Combining these two measurements shows that the water depth from the plane of OHW to the river bottom at the landward edge of the float is 10 feet.

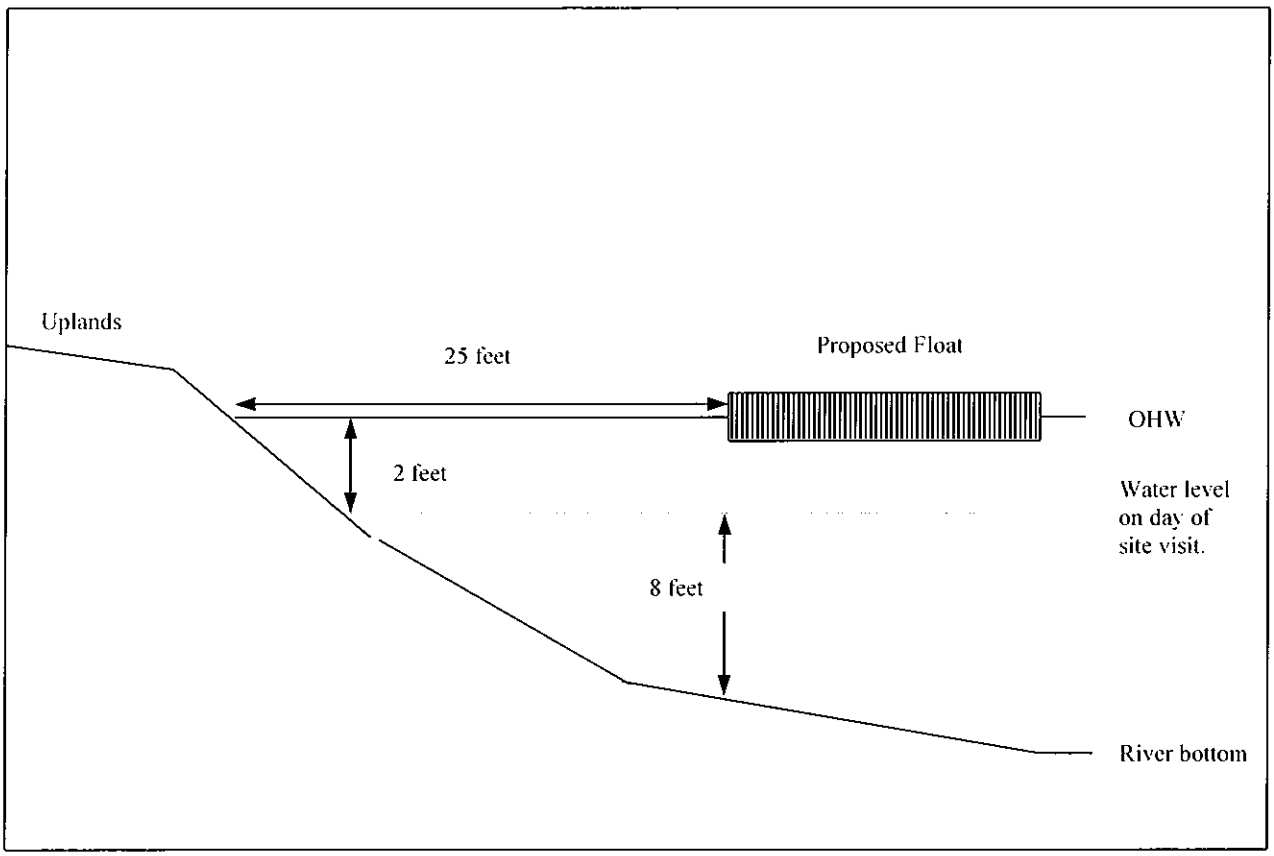


Figure 1. Schematic for water depth assessment. Assume proposed float is in Rocky Reach reservoir. Water depth at the landward edge of float is 10 feet. Thus, the proposal qualifies for a temporary float. Actual project drawings should be drawn to scale and must show all of the proposed work (e.g., pier, piling, ramp, etc.).

The float illustrated in Figure 1 would qualify for a temporary float in Rocky Reach reservoir because the water depth exceeds 7 feet but is less than 14 feet. The float would have to be removed from the water from March 1 through June 30 each year. The water depth at the project site should be assessed early in the planning phase to ensure the proposal can comply with the requirements of the RGP.

APPENDIX E

Example of a Mitigation Planting Plan for RGP 5

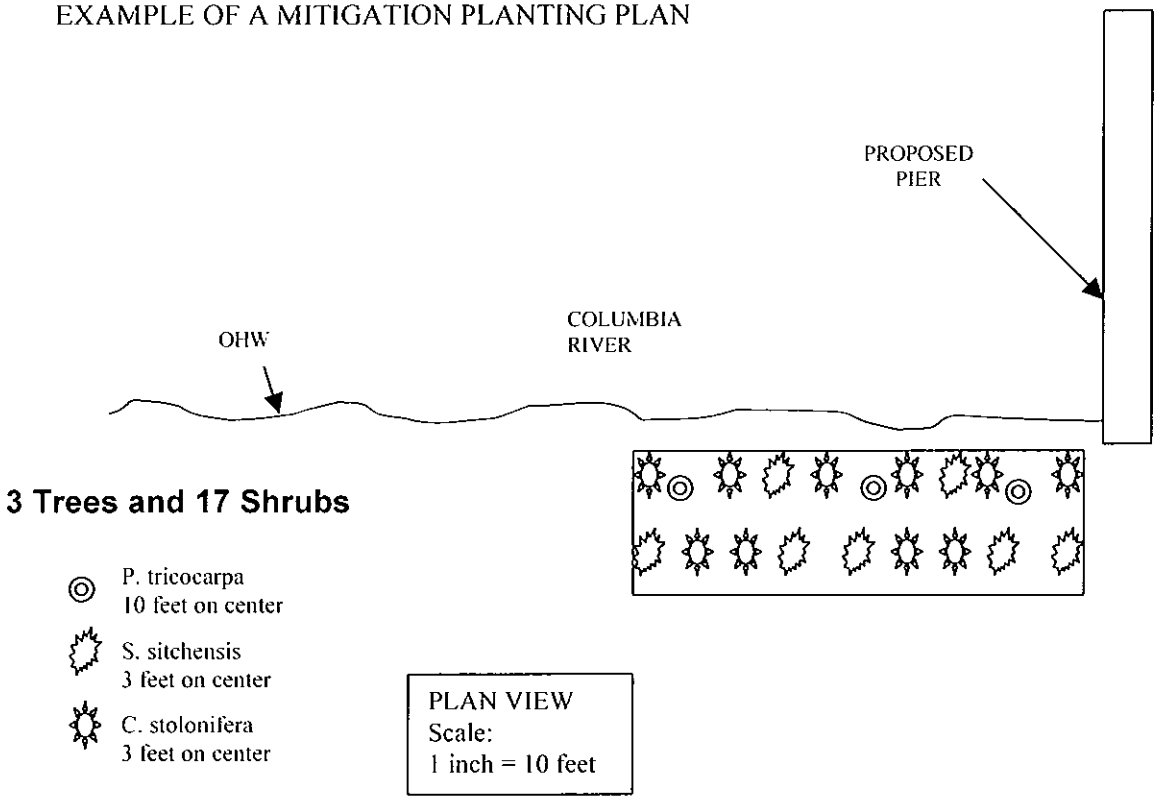
Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

For most projects, mitigation is required to offset the impacts from the overwater structure on the aquatic environment. Planting along the shoreline is the preferred type of mitigation because the planting establishes a vegetation community and associated food web that can be utilized by foraging and migrating salmonids as they pass through the project area.

If your project requires mitigation planting, you must submit a planting plan with your application. The planting plan must include a plan view drawing showing the number and type of species to be planted and the location of the planting plot in relation to the proposed overwater structure and the ordinary high water mark. Please refer to the example below.

The planting shall include native shrubs (*Salix sitchensis, S. scouleriana, S. exigua, S. prolixa, S. lasiandra, Cornus stolonifera*) and trees (*Populus trichocarpa, Pinus ponderosa, Pseudotsuga menzeisii*). The use of native shrubs and trees not listed here must be approved by the Corps. The shrubs and trees shall be planted at intervals 3- and 10-feet, respectively. At least 2 trees and 15 shrubs shall be included in each 10- by 20-foot plot. The mitigation planting shall be constructed within 12 months of the Corps' issuance of a permit for the proposed work and no later than the first April 15th following construction

EXAMPLE OF A MITIGATION PLANTING PLAN



APPENDIX F

Status Report for Mitigation Construction for RGP 5

Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

Within one (1) year of the date your permit was issued, submit this completed form to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. You must submit a new form annually until the U.S. Army Corps of Engineers (Corps) accepts your as-built drawings of the mitigation construction.

Corps Reference Number: _____

Date the Corps Issued Your Permit: _____

Date this Report is Due: _____

Units of Mitigation Required by Corps: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

You must attach to this form: ☒ As-built drawing(s) of mitigation area, and
☒ Photographs of the mitigation area.

Date overwater structures removed: _____

Date hardened shoreline removed: _____

Date mitigation planting installed: _____

Mitigation Planting: Each mitigation unit requires a 20-foot long by 10-foot wide vegetation plot established along the ordinary high water (OHW) line that includes at least 2 trees and 15 shrubs taken from the species list below (or approved by the Corps). Planting intervals for shrubs and trees are 3- and 10-feet intervals. If necessary, protect your plantings with fencing.

Name of Species You Planted	Number Planted
Total Planted:	

Native trees: *Populus trichocarpa* (Black cottonwood), *Pinus ponderosa* (Ponderosa pine), *Pseudotsuga menziesii* (Douglas fir)
Native shrubs: *Salix sitchensis* (Sitka willow), *S. scouleriana* (Scouler's willow), *S. exigua* (Sandbar willow), *S. prolixa* (Mackenzie's willow), *S. lasiandra* (Pacific willow), *Cornus stolonifera* (Red-osier dogwood)

APPENDIX G

Mitigation Monitoring Report for RGP 5

Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

Submit this completed form to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. A completed form must be submitted 1, 2, 3, 4 and 5 years after the Corps accepts your as-built drawing of the mitigation area.

Corps Reference Number: _____

Date Your As-Built Drawings Were Accepted by the Corps _____

Date This Report Is Due: _____

Units of Mitigation Required by the Corps: _____

Your Name: _____

Your Address: _____

Your City/State/Zip Code: _____

You must attach to this form: ☒ Photographs of the mitigation area taken within the last two months.

Conditions of your Corps permit require 100% survival of all planted trees and shrubs during the first and second years after planting. During the third through fifth years after planting, 80% survival is required. Individual plants that die must be replaced with a species from the list below. At least two trees must be planted in your mitigation area. If necessary, use fencing to protect your plantings.

Date of Inspection	Species Name of Dead Plants	Number of Dead Plants	Name of Species Replanted	Number Replanted

Native trees: *Populus trichocarpa* (Black cottonwood), *Pinus ponderosa* (Ponderosa pine), *Pseudotsuga menziesii* (Douglas-fir)
Native shrubs: *Salix sitchensis* (Sitka willow), *S. scouleriana* (Scouler's willow), *S. exigua* (Sandbar willow), *S. prolixa* (Mackenzie's willow), *S. lasiandra* (Pacific willow), *Cornus stolonifera* (Red-osier dogwood).

APPENDIX H

Statement of Compliance Form

Regional General Permit (RGP) 5
Residential Overwater Structures in the Mid-Columbia and Lower Okanogan Rivers

You must fill out and sign this statement of compliance form and submit it to: U.S. Army Corps of Engineers, Regulatory Branch, P.O. Box 3755, Seattle, WA 98124-3755. If the work is in Category A or B, you must submit this form within 30 days of completing the authorized work,

1. Permittee name, address, and telephone number:

2. Contractor name, address, telephone number, and point of contact:

3. Corps Reference Number:

4. Description of work (attach as-built drawings, including a vicinity map, a plan view, and an elevation view; the drawings must include information as detailed on Appendix E – Drawing Checklist).

5. Dates of Work: The work was initiated on _____ and completed on _____.

I hereby certify that I have completed the above-described work in compliance with the terms and conditions of this permit, including any project-specific conditions required by the District Engineer to ensure that this work would have no more than minimal adverse impact on the aquatic environment.

_____ _____
Signature of Permittee Date

_____ _____
Signature of Contractor Date